

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

REGINALD GHAFFAAR McFADDEN,

Plaintiff,

v.

D. WILLIAMS, et al.,

Defendants.

DECISION & ORDER

18-CV-6684G

Currently pending before the Court is a motion to compel filed by plaintiff Reginald Ghaffaar McFadden. (Docket # 104). Plaintiff's motion seeks an order compelling defendants to respond to interrogatories and document requests that he asserts he served on November 1, 2021. (*Id.*). Defendants oppose the motion on the grounds that the responses were not due until December 4, 2021, two days after plaintiff filed the pending motion. (Docket # 105). In any event, according to the defendants, they filed their responses to plaintiff's discovery requests on December 1, 2021, and served the responses on plaintiff that same day. (Docket ## 99, 100, 101, 102, 105 at ¶ 10). As the defendants have now answered plaintiff's discovery requests, his request for an order compelling them to do so is now moot. *Vega v. Hatfield*, 2011 WL 13128745, *1 (W.D.N.Y. 2011) (“[a]lso pending is [plaintiff's] motion to compel certain discovery responses[;] [b]ecause defendants represent that they have now produced the requested discovery . . . , [plaintiff's] motion to compel is denied as moot”); *Smith v. Fischer*, 2008 WL 5129863, *1 (W.D.N.Y. 2008) (“defendants filed a response to plaintiff's request for admissions[;] . . . [a]ccordingly, to the extent plaintiff moves to compel a response to

his requests for admissions, such motion is denied as moot”). Accordingly, plaintiff’s motion to compel **(Docket # 104)** is **DENIED as moot**.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
December 13, 2021